



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

██████████
Docket No. 1506-25
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████, USN,
XXX-XX-██████████

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting that his discharge be upgraded and that his basis for discharge be changed to reflect "Secretarial Authority." Enclosure (1) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 14 March 2025 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, applicable statutes, regulations, and policies, to include reference (b).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Although Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

b. Petitioner enlisted in the Navy and began a period of active duty on 6 December 1995.

c. In April 1997, he was referred for alcohol rehabilitation services and later completed level III alcohol rehabilitation treatment.

d. In June 1998, Petitioner was convicted by civil authorities in for the unauthorized use of private property, a motorboat.

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e. On 21 December 1998, Petitioner was subject to nonjudicial punishment (NJP) for a violation of the Uniform Code of Military Justice (UCMJ) under Articles 86 and 91, respectively for a period of unauthorized absence (UA) of fewer than 12 hours and for disrespect towards a senior petty officer. From the discussion in later reports pertaining to his administrative separation, these were alcohol-related offenses.

f. Documents pertaining to Petitioner's processing for administrative separation were not retained in his official military personnel file (OMPF); however, the report of his administrative separation, submitted to Chief of Naval Personnel on 5 February 1999, stated the Petitioner had been separated with a General discharge, via notification procedures, by reason of Misconduct due to civilian conviction and due to alcohol abuse rehabilitation failure. The letter further elaborated that Petitioner suffered "from an illness" that he had been "unable to overcome despite receiving the best treatment" the Navy could provide.

g. Petitioner was discharged with a General (Under Honorable Conditions) on 8 February 1999.

h. Petitioner contends that he had a significant family history of alcohol abuse and had received level III treatment during his military service due to his alcohol dependence; although he described his aftercare as being "self-help." He acknowledges his fault in receiving a civilian conviction for which he received a fine and for his alcohol-related NJP. Following his discharge, he returned to his tribal community and began working as a janitor in a casino and he progressively attained promotions and demonstrated his trustworthiness. Over the course of time, he completed his undergraduate degree and eventually completed law school. He now serves the vulnerable population in his community; to include providing pro bono services for indigent, elderly, and child welfare cases. In support of his request, he submitted a detailed personal statement, his service treatment records, his academic diplomas, legal certifications and admissions to practice before the high courts, and a letter of his selection to serve as tribal judge.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants relief. The Board reviewed his application under the guidance provided in reference (b).

The Board noted Petitioner's misconduct and does not condone it; however, the Board noted that his alcohol rehabilitation failure appears to have been the primary consideration in processing him for administrative separation. Additionally, the Board observed that Petitioner has committed his life toward serving his traditionally underserved community by pursuing education and certifications in a rigorous professional field and providing necessary legal services to those in need. Further, the Board perceived that his selection as a tribal judge reflects highly favorably upon him with respect to the esteem in which members of his community hold him. Upon consideration of relevant factors as outlined in reference (b), the Board found that the favorable factors Petitioner submitted for consideration of clemency based on his post-service character and accomplishments outweighed his misconduct.

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Notwithstanding the recommended corrective action below, the Board determined Petitioner's assigned reentry code remains appropriate in light of his record of misconduct and unsuitability for further military service. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating, for the period ending 8 February 1999, he was discharged with an "Honorable" characterization of service, under the authority of "MILPERSMAN 3630900," with a narrative reason for separation of "Secretarial Authority," and a "JFF" separation code.

That Petitioner be issued an Honorable Discharge certificate.

That no further changes be made to Petitioner's record.

A copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

4/8/2025

